

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROCIO FRANCISCO, MAGDALENO ELIZADE,)
MARIA ANTONIA URIOSTEQUI, MARTHA)
CELESTINO and MARIA MANRIQUEZ,)
on behalf of themselves and all other persons)
similarly situated, known and unknown,)

Plaintiffs,)

v.)

REMEDIAL ENVIRONMENTAL MANPOWER,)
INC. d/b/a REM STAFFING, REMEDIAL)
DAY LABOR d/b/a RDL STAFFING and)
FERRARA PAN CANDY CO., INC.,)

Defendants.)

Case No. 11 C 2162

Judge Grady

**ORDER PRELIMINARILY APPROVING STIPULATION OF SETTLEMENT AND
APPROVING CLASS CERTIFICATION, FORM AND MANNER OF CLASS NOTICE
AND SETTING A HEARING FOR FINAL APPROVAL OF SETTLEMENT**

Plaintiffs and Defendants Remedial Environmental Manpower, Inc. d/b/a REM Staffing (“REM”), Remedial Day Labor d/b/a RDL (“RDL”) and Ferrara Pan Candy Co., Inc. (“Ferrara”) (“Defendants”) (collectively, the “Parties”) having reached a settlement in this matter on a class-wide basis, the Court having reviewed the Stipulation of Settlement (“Settlement Agreement”) and the record in this Litigation, including the Parties’ Joint Motion for Preliminary Approval of the Parties’ Stipulation of Settlement and for Approval of Class Certification, Form and Manner of Class Notice and Scheduling Hearing for Final Approval of Settlement,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court hereby preliminarily approves the Settlement Agreement and the Settlement set forth therein as being fair, reasonable and adequate. The Settlement Agreement is

the result of arm's-length negotiations between experienced attorneys who are familiar with class action litigation in general and with the legal and factual issues of this case in particular.

2. The Court has jurisdiction over the subject matter of this lawsuit and the Parties, including the members of the Settlement Class, as defined below.

3. The Court finds that the prerequisites to a class action under Rule 23 of the Federal Rules of Civil Procedure have been met. The case is hereby certified, for purposes of settlement only, as a class action under Federal Rule of Civil Procedure 23(b)(3). The Court hereby certifies the following classes (collectively, the "Settlement Class"):

a. With regard to the class claim for Defendants' alleged failure to pay minimum wages, overtime wages and other earned wages ("Wage Payment Class"):

All persons employed by the REM Defendants and assigned to work at any of the Third-Party Client Companies between March 29, 2008 and November 30, 2011 in any hourly position but who were not paid for all compensable work time, including time worked in excess of forty (40) hours in any individual work week.

b. With regard to the class claim for Defendants' alleged failure to pay four hours of "show-up" pay ("Four Hour 'Show Up Pay' Class"):

All persons employed by the REM Defendants and assigned to work at any of the Third-Party Client Companies between March 29, 2008 and November 30, 2011, in any hourly position but who was not utilized for a minimum of four hours on that date and was not compensated for a minimum of four hours pay on that date.

c. With regard to the class claims for Defendants' alleged failure to provide employees with Employment Notices and Wage Payment Notices that complied with the IDTLSA ("Employment and Wage Notice Class"):

All persons employed by the REM Defendants in the State of Illinois between March 29, 2008 and November 30, 2011, who did not receive a proper Employment Notice and Wage Payment Notice which complied with the requirements of the IDTLSA.

4. The Court appoints Plaintiffs Rocio Francisco, Magdaleno Elizade, Maria Antonia Uriostequi, Martha Celestino and Maria Manriquez as Class Representatives and Christopher J. Williams as Class Counsel. The Court finds that the Class Representatives and Class Counsel have provided adequate representation to the Settlement Classes.

5. The Court further approves of the Parties' proposed Notices of Class Action, Proposed Settlement and Hearing and the manner in which notices will be given as provided in the Settlement Agreement.

6. The deadline for Class Members to opt out of this Class Action or to file objections and/or comments to the Settlement Agreement shall be sixty (60) days after the First Mailing (as defined in Section 9.1.1.1. of the Settlement Agreement) (hereinafter, the "Filing Deadline").

7. Within thirty (30) days of the Filing Deadline, the Parties will submit to the Court any necessary documents for the Court's consideration of Final Approval of the Settlement Agreement, including any Motions, final calculations of settlement payments to the Class Members, and responses to any objections and/or comments.

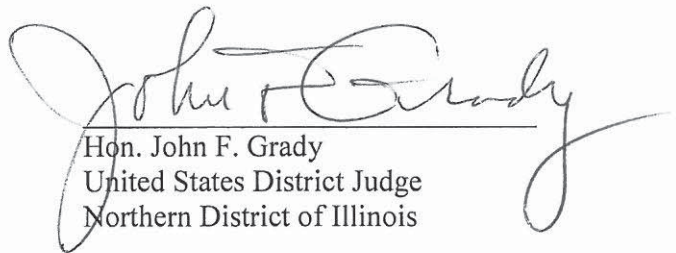
8. Pending final approval of the Settlement Agreement, the prosecution and defense of the case is hereby stayed; the Class Representatives, all members of the Settlement Classes, and each of them, and anyone who acts or purports to act on their behalf, shall not threaten, institute, commence or prosecute any action that seeks to assert claims against any Released Party arising out of and/or related to the subject matter of this lawsuit.

9. The Fairness Hearing is hereby scheduled to be held before the Court on April 18, 2012 at 10:30 a.m.

10. The Court reserves exclusive and continuing jurisdiction over this Litigation, the Class Representatives, the Settlement Classes and the Released Parties for the purposes of: (1) supervising the implementation, enforcement, construction, and interpretation of this Order and the Settlement Agreement upon the entry of a Final Order by this Court granting final approval of the Settlement Agreement and dismissing this Litigation with prejudice, or in the event of an appeal of such Final Order, the final resolution of the appeal upholding the Final Order; (2) hearing and determining any application by Class Counsel for an award of attorneys' fees and costs; (3) supervising the distribution of the Settlement Fund; and (4) resolving any disputes or issues that may arise in connection with this Litigation or the Settlement of this Litigation.

It is so ordered.

DATE: December 13, 2011



Hon. John F. Grady
United States District Judge
Northern District of Illinois